

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

REGINALD HARRIS,  
Petitioner,  
v.  
THOMAS CARROLL,  
Respondent,

06-430  
No. # \_\_\_\_\_ 2006  
C.A. # 0402010364A  
Appeal No. # 557, 2004

Sealed

FILED  
U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2006 JUL 13 AM 11:15

MOTION FOR STAY OF UNEXHAUSTED CLAIM  
OF INEFFECTIVE ASSISTANCE OF COUNSEL  
AT TRIAL AND ON DIRECT APPEAL, INVOLVING  
THE ILLEGAL SEARCH AND SEIZURE IN VIOLA-  
TION OF THE FOURTH AMENDMENT.

COMES NOW, the petitioner, Reginald Harris, Pro Se,  
respectfully requesting this Honorable Court to, issue an  
"ORDER TO STAY" the "Unexhausted" above captioned,  
"Ineffective Assistance of Counsel" claim for good cause.

In support of this request, the petitioner submits the  
following:

1. The operative facts and the Federal Legal Theory  
upon which petitioners claims are based; necessarily, re-  
quire the state's lower court and appellate court to

have a fair opportunity to act on addressing the claim.

2. It is imperative that petitioner be allowed to register the unexhausted claims full contribution to the picture that will finally be before the Habeas Court. Because, in the end the consummation will furnish the proper perspective.

3. The district court may in its discretion, allow a petitioner to amend a mixed petition by deleting the unexhausted claims, hold the unexhausted claims in abeyance until the unexhausted claims are exhausted; then allow the petitioner to amend the stayed-petition to add the "Now-Exhausted" claims. See and compare: Anthony v. Cambra, 236 F.3d 568, 575-578 (9th Cir. 2000), (holding that F.R.C.P.-15(c); made applicable to Habeas Petitions by, 28 U.S.C. § 2242 allows the amended pleading, includ-

ing "Newly Exhausted" claims to "relate back," to the date of the original filing.)

WHEREFORE, the petitioner, respectfully requests this Honorable Court to, issue an "ORDER TO STAY," the "Unexhausted," "Ineffective Assistance of Counsel" claim.

Respectfully Submitted,

Reginald Harris  
Reginald Harris, Pro-Se

Dated: July 06, 2006